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ABSTRACT

Public Law 94-142, passed in November of 1975, requires that the states provide "equal educational opportunity" to the handicapped. This law thus serves as an excellent example of mandated or "power-coercive" change, in which change is generated from the outside through the use of political and economic sanctions. Sociology's conflict theory perspective, as represented by Ralf Dahrendorf and Randall Collins, argues that coercion results in attempts either to fight back or to escape, or if neither outlet is available, to comply as minimally as possible. When the federal government mandates change in a system as susceptible to power influences as education, the entire social environment can be affected. This paper provides a framework for analyzing mandated change in education by outlining the problems in four specific areas affected by P.L. 94-142: federal control, parental involvement, staff-administrative relationships, and resource linkage systems. (Author/PGD)

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A CONFLICT THEORY PERSPECTIVE FOR VIEWING CERTAIN PROBLEMS ASSOCIATED WITH PUBLIC LAW 94-142

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A CONFLICT THEORY PERSPECTIVE FOR VIEWING CERTAIN PROBLEMS ASSOCIATED WITH PUBLIC LAW 94-142

The objective of this paper is to provide a framework for the analysis of change and conflict in education. In order to accomplish this the authors focus upon mandated change (P.L. 94-142) as a vehicle for understanding and explaining the impact of this type of change on four identified areas: federal control, parental involvement, staff-administrative relationships and resource linkage systems. The conflict perspective is presented through the use of Conflict Sociology as developed by Ralf Dahrendorf and Randall Collins.

The passage of Public Law. 94-142 on November 29, 1975 stimulated more debate in educational circles than any "education-affecting" legislation since the famous Brown Decisions of the 1950s. The specificity and comprehensive provisions of that law seem the focal point for this debate. In essence, the law requires states to implement,within a specified timeline, mechanisms which will provide for the placement of handicapped children in the "most appropriate" educational setting. In addition, it requires that all necessary services be provided to facilitate that placement; periodic assessment; personnel development; financing; dissemination and parent involvement.

By its very nature P.L. 94-142 epitomizes mandated change,i.e. an imposed alternative to the status quo which involves specific expectations for action and penalties for inaction. In this case, the mandate expects states to provide "equal educatinnal opportunity" to the handicapped; and, the penalties for inaction involve the withholding of all federal funds.

It has been argued that the concept of mandated change, i.e. legislated change, is a misnomer (Thelan, 1967). This position ignores, however, the

power differentiation which is basic to a complex society and exemplified in its body of laws (Levin, 1974;Weber, 1954). At present there is a scarsity of literature considering mandated change as defined here and its effects on the social interaction phenomena evidenced in the education institution.

Chin identified three types of change strategies: empirical-rational, normative-reeducative and power-coercive (1964). Each strategy is based on certain assumptions about what is appropriate to stimulate change: In the first case, rational self-interest dominated strategies prevail; in the second, group cooperative problem-solving facilitates alteration of an individual's normative commitments; and in the third, change is generated through the use of political and economic sanctions by the most powerful.

Earlier Chin identified five types of change: substitution, alteration, variation, restructuring and value orientation (Cartwright, 1959). McGrath in Research Methods and Designs for Education indicated that combining these types and the strategies for each result in a model for change:

> Substitution would parallel empirical-rational change, alteration and variation correspond with normative-reeducative change, while restructuring and value orientation require power strategies such as coercion and power (p.48).

The mandated change considered in this paper corresponds to Chin's power-coercieve change. Key characteristics of power-coercive change and, correspondently mandated change, are: it is power based; applies coercive strategies,especially political and economic sanctions; imposes a shift in value orientation; requires compliance as demonstrative evidence of change. Mandated change is usually in the form of law. Thus, the authors have taken a particular law, P.L. 94-142 as the focal point of review. The authors take

the perspective that when one social institution (federal) imposes on another (education) then the resulting effects may be in conflict with established patterns of behavior.

THE CONFLICT THEORY PERSPECTIVE

At the outset let me say that the conflict theory perspective is not so much a theory as a model, i.e. it provides a consistent framework from which to view social phenomena. While the basic tenets of the conflict perspective being considered are traceable to ancient China, Greece and Rome, its most recent advocates have been Marx, Coser, Dahrendorf and Collins (Martindale, 1960;Haas and Drabek, 1973; Paulston, 1977). These individuals emphasize that social change can be best understood through an analysis of the differentiated power relationships which underscore a modern complex society. They posit that variable power results in an inherent struggle (i.e. conflict) between the "haves" and "have nots."

Proponents of the conflict perspective reject the "natural systems" and "equilibrium" concepts that define struggle/conflict as deviant,disharmonious, dysfunctional or destructive (Parsons,1949; Lewin, 1946;Deutsch,1972). For example, Dahrendorf (1957,1958) contended that earlier theoretical perspectives, especially structural-functionalism, were "utopian" at best and not applicable to a host of social problems. He further indicated that any attempt to "mesh" sociological theory and research necessitates an understanding of the following assumptions: (a) social change is ubiquitous, (b) social conflict is ubiquitous (c) every element in a society contributes to its change.

These basic assumptions undergird the conflict perspective presented by

Randall Collins in Conflict Sociology: Towards an Explanatory Science (1975). Collins generated five hypotheses which he feels explains the conflictual behavior of individuals and relationships between groups. These hypotheses are:

1. Coercion leads to strong efforts to avoid being coerced.
2. If resources for fighting back are available, the greater the coercion applied, the more counter aggression that is called forth.
3. If resources are not available but opportunities to escape are, the greater the tendency to leave the situation.
4. If resources for fighting back and opportunities to escape are not available, or if there are other strong incentives for staying in the situation (material rewards or potential power), the greater coercion that is applied, the greater the greater the tendency to comply with exactly those demands that are necessary to avoid being coerced.
5. If resources for fighting back and opportunities for escape are not available, the greater the tendency to dull compliance and passive resistance.

Both theorists suggest that analysis of social interaction from a conflict perspective involves consideration of attempts at power maintenance, i.e. control, versus those efforts to usurp power; in addition, consideration must be given to the relationships which result from differentiated power and the ultimate impact of these factors on the social change phenomena.

FEDERAL CONTROL

Public Law 94-142 is polemical. Its critics espouse that the "feds" are trying to impose their will on the states. They support their position from a constitutional viewpoint, namely, that education is a state responsibility, inferred from the Tenth Amendment of the Constitution. Thus, the law attempts to circumvent state and, consequently, local control of education. Proponents of the law identify it as a significant piece of new civil rights

legislation (Gilhool, 1976). Their position is supported by the "equal-educational-opportunity-for-unserved-and-inadequately-served-handicapped" rationale offered by Congress in the introduction of the law.

The significance of this polemic is that it reflects a fundamental issue regarding the function of education in society, albeit, which social institution should assume responsibility for changing or controlling it. Taba (1962) clearly states the fundamental question:

> This division of opinion extends to views on the extend to which the program of the school is or should be subject to the values and norms of the culture, and in what measure the materials it uses and the ideologies that control its shaping should be drawn from the life of the culture (p.17).

Investigation of mandated change is really an investigation of the degree that subjection does occur and the measure of control exercised. In terms of P.L. 94-142 of interest is the degree of control exercised by the mandator, the federal government.

A number of individuals have developed typologies of governmental control. Reller (1940) delineated statutory, judicial, and administrative control as exercised by central or state governments. Since we are primarily interested in the legislative branch, the judicial can be eliminated. Statutory control involves some minimum requirements or statements of principles; administrative aims at a partnership between central and local authorities. P.L. 94-142 embodies both concepts.

Lu's classification scheme provides more insight in analyzing the degree of control. Lu (1965) emphasized administrative control, which can be formal or informal, external or internal. Briefly stated, the types of administrative control are:

* FORMAL -- based on law and authority;coercive through administrative procedure.

*INFORMAL -- based on social norms and standards and effect people gradually and insensibly, i.e. social latent influence.

*EXTERNAL -- concerned with the ways or instruments of aid; administrative routine, school facilities.

*INTERNAL -- concerned with curriculum, teaching methods, etc. (pp.14-15).

The specific procedures outlined in P.L. 94-142 and subsequent regulations (e.g. procedures for individualized program planning, appeal and due process) indicate that federal involvement in education is inclusive of formal internal administrative control.

Lu indicates that administrative control consists of four elements: power, devices, processes, and objectives. In the case of P.L. 94-142, "power" is evident from the legislative enactment of the statute; "devices," in that a financial aid incentive is included; "process," through provisions for suspending funds; and, "objectives," the 'equalization of educational opportunity' goal.

Tracing federal legislation and aid programs in behalf of education indicates a continous trend toward more federal control of educational programs. Since the Morril Act of 1862, which established the Land Grant Colleges, federal aid has been directed toward specific educational programs. During World War I, the Smith-Hughes Act (1917) promoted vocational education. During World War II, the commonly called, G.I. Bill provided for veteran education. Sputnik and feelings of scientifc inferiority resulted in the National Defense Act (1958). The Higher Education Facilities Act of 1963 And the Economic Opportunity Act of 1964 influenced both high education and secondary school curriculum. And finally, P.L. 94-142, which in addition to the areas already mentioned, also specifies which handicapped population

to be served, state and local tasks and responsibilities and the services to be included or excluded.

PARENT INVOLVEMENT

In the past, when dialogue was held between educational professionals and parents, much of that discussion was advisory. While many parents tried to implement advice received from educators, the parental advice was often lost in the shuffle of professional opinion and expediency. Today, in this era of advocacy, parents have been critical of their advisory status (Baskin, 1975; Stevens, 1975). The mandate of P.L. 94-142 implies that "advising" will no longer be a sufficient parental role in education.

Society has expected its parent-members to assume responsibility for the general health, safety and welfare needs of their offsprings. Nevertheless, over the years schools have assumed many aspects of these parental responsibilities. In large measure they have been supported in these endeavors under the established legal principle of in loce parentis and the cult of educational professionalism.

In loce parentis literally translated means in place of the parent. The doctrine has been generally accepted in areas of the educator's purview, e.g. didscipline, corporal punishment, liability (Remmlein, 1950;Garber, 1969). Thus, in theory, the educator's expertise has been deemed superior to that of the parent; in practice, the educator's decisions were seldom questioned by parent or school authorities.

Wilensky (1964) defined education as a "borderline" profession. Until recently, however, both the lay public and professional groups felt educators met his basic criteria for the designation, professional:

1. The job is technical -based on systematic knowledge or doctrine acquired only through long prescribed training.

2. The professional [person] adheres to a set of professional norms (p.484).

It is of recent vintage that the lay public has questioned whether the normative 'service ideal' of the education professional is being fulfilled. Simply stated, the 'service ideal' emphasizes client interest over personal profit (p.485). In many school districts parent militancy for school accountability has sharply increased since the 1960s. Wilensky anticipated this change in client behavior when he stated that if confidence were lost in the "selflessness" of the educator-professional,

> [the public] would be forced to approach the professional as [it] does a car dealer--demanding a specific result in a specific time and a guarantee of restitution should mistakes be made (p.485).

Thus, an immediate and perhaps continous implication of P.L. 94-142 is the redefinition of professional instructional and decision making perogatives formerly deemed sacrosanct. In effect, allowing parents a participatory role on the individualized planning team and formalized appeal process, places the responsibility for the education of the handicapped back into the hands of the parents. As a consequence, parental roles become less advisory and those of educators become more advisor-consultant-resource person. On the one hand, educational decision making becomes more participatory, less exclusive, but, on the other hand, an "outsider" potentially gains status and position within the education institution.

Thus far there has been little research investigating the effect parent participation has had on the attitudes of the regular educator. Nor, has there been much evidence of the effect of parent involvement in making

decisions which were the "territory" of the educator. However, these concerns are being addressed in a series of research reports being issued from a cooperative grant between the Connecticut State Department and the Bureau of Education for the Handicapped (Yoshida, et. al, undated). One of these reports entitled, Parental Involvement in the Special Education Pupil Planning Process: The School's Perspective, considered among other things, planning team members' attitudes about the kinds of activities that parents should participate in during the planning meeting. Twenty-four categories of activities were reviewed. The researchers determined that a low percentage of responses in twenty-two categories indicated there was little "correspondence with the legal and legislative initiatives to increase parental participation in the planning process" (p.5). The two categories in which there was fifty-percent or more affirmation were two "provides information" activities.

With the passage of P.L. 94-142, however, some parent advocacy groups have already had a measure of success. In some areas special education parent coalitions have formed to exert direct pressure on school districts. Evidence of this was recently reported in Closer Look (Winter-Spring, 1977), a publication of the National Information Center for Handicapped. Centers are now located in Massachusetts, Illinois, Ohio and Indiana. If the center concept expands, the role of educators as "technical" specialists may be in jeopardy.

ADMINISTRATIVE - STAFF RELATIONSHIPS

Many of the factors that influenced the development of parental coalitions (e.g. dissatisfaction with established relationships) has also been the basis for existing administrator-staff relations. Two types of relations are

distinquishable, one is adversary and the other collaborative. The adversary relationship is best typified by the labor - relations collective bargaining model; collaborative relations by the team approach (e.g. IEP planning conference). Seldom has either approach existed totally without the other. P.L. 94-142, however, may have significant impact on the status of these approaches in the future.

Generally, the deleterious effects of an expanded educational bureaucracy were not felt until the 60s. Then some of the effects that were noted included, a lack of decentralized decision making and insufficient administrative communication to remediate professional or instructional problems (Allen, 1958; Dykes, 1964; Koontz and O'Donnell, 1964). By the 70s there was a tremendous increase in the number of teachers organized into teacher welfare committees, associations and unions. Among the many issues to be resolved were career development, class size, resource needs and salary. In many localities a great number of these issues have been included in district-teacher organization contracts after extensive negotiation.

P.L. 94-142 may necessitate reevaluation of existing district contracts. For example, some contracts have been fought for, and won, to give teachers the right to govern curriculum content; others, give teachers the right to determine which students will be placed in, or remain in, their classes. While generally rejections of students occur for discipline purposes, it is not inconceivable that disruptive behavior has an etiological basis in learning, behavioral or emotional disorder. Now, denying a student placement (by whatever basis previously determined to be an appropriate placement) may constitute an illegal denial of rights to a handicapped student as guaranteed by P.L. 94-142. Thus, third party intervention (e.g. government statute) can negate the operational framework established at the local level (Neubert

and Withiam, 1975; Remmlein, 1950).

It may be supposed that third party intervention would not be conducive to the development of the cooperative/collaborative relationship necessary for the implementation of the Individualized Educational Program (IEP) planning mandated by P.L. 94-142. The little evidence that does exist bears out this supposition.

The second rearch report of the BEH-Connecticult State Department project relates to this issue. That report, Group Decision Making in the Planning Team Process: Myth or Reality? (Yoshida, et. al, undated), addressed TEP planing team (PT) participation in, and satisfaction with, the PT process by member participants (e.g. principals, school psychologists, regular and or special education teachers). The results indicated:

> ...the regular education teachers, who are pivotal persons in operationalizing and implementing PT decisions, are low in participation and are generally not satisfied with the PT process (p.13).

The authors suggest:

> Perhaps they perceive that the PT decisions were arbitrary and forced upon them because they were not able to propose their alternatives or make final decisions (p.13).

And while this is conjecture , they conclude that their investigation indicates that:

> Clearly, insructional personnel appear to be the most disenfranchised from the process, despite the fact that they are the individuals most responsible for implementing PT decisions (p.13).

Obviously, generalizations from this one effort are inappropriate, however, its finding of passive involvements when participation is mandates is consistent with Dahrendorf's fifth hypothesis that passive resistence occurs if resources are not available for fighting back nor the available opportunity to escape (Supra, p.4).

RESOURCE LINKAGE SYSTEMS

In addition to the mandates for cooperative/collaborative relationships within the educational institution, the "full service" provisions of P.L. 94-142 probably necessitate the use of resources external to a given educational system. In effect, service delivery system is primarily the systematic way an educational institution coordinates services to be provided to meet the education needs of its students, in this case, the handicapped ones. When the available resources extend beyond a given system, i.e. become inter-institutional, a resource linkage system is formed.

It has been pointed out that existing educational service delivery systems, albeit, their linkage capabilities, have not been effectively used to meet the demands created by implementation of P.L. 94-142.

Griffin (1978) provided the following reasons for inffective service systems as presently operating:

* Their emphasis is primarily remedial (Lateral Dimension).
* They foster intermittent involvement between resource(s) and user (Longititudinal Dimension).
* There is a lack of fiscal, informational, material and human resources.
* They focus primarily on intra-system resources, thus, there is a lack of collaborative arrangements between/among resources external to the system.
* The lack dynamic structure, i.e. fail to provide for a range of options and/or a flexible process for using these options.

By emphasizing remediation activities, service delivery systems perpetuate intermittent involvements. Coser (1956) noted that these involvements were a consequence of the system's attempt to avoid conflicts which might maximize consensus. Lieberman and others, however, suggest that consensus is unlikely

because inter-institutional communications are limited as a consequence of differences in organizational goals, philosophies, resources, constituencies, population stability and organizational complexity (Lieberman, 1977; Baldridge, et. al, 1973; Corwin, 1973).

It is unlikely, therefore, that cooperative/collaborative postures can be effectively assumed among resource entitities in a foreign, unstable relationship.

Deutsch suggests "authentic" cooperation only occurs when there is no perception of powerlessness or helplessness; where there is an option to "go it alone" and a choice to cooperate or not (p.140). In an environment of competition for resources (e.g. economic, informational or human) and mandated action, competition overshadows collaboration. Conflict derives from this competitive environment. Under the mandates of P.L. 94-142, educational systems cannot fulfill any of these criteria for "authentic" copperation. What then are the resource linkage potentials when antithetical conditions exist?

CONCLUSIONS

It has been alleged that from 2,000 -3,000 laws are passed during each session of the legislative term. Therefore, in one sense,it is surprising that one law can potentially create these tremendous effects on the education community. In another sense, seldom do these legislative enactments effect all the nation's communities, school rooms, parents and professionals alike. From a conflict perspective the educational system is susceptible to power influences which create a resource dependent relationship. When the mandator is the federal government that influence has the potential for permeating the entire social environment surrounding the educational institution.

In the preceding pages, the authors have attempted to establish the frame of reference for viewing four areas of potential problems related to the implementation of mandated change, P.L. 94-142. As is evident from the presentation there has been little research of this particular imposition on the educational institution. To fully understand the potential implications of this phenomena, one must recall the state of education preceding November 29, 1975. One must recall positions taken in diametrical opposition: For example, bureaucracy vs. participatory decision making; unionization (administrative and staff) vs. group problem -solving strategies; life-oriented curriculums vs. "back to basics" movements. Add to these demands for accountability vs. education as usual. What results is an environment in conflict. By using a conflict perspective on a particular phenomena in that environment, we had hoped to provide an approach to reviewing subsequent change. The "researchability" of the mandated change phenomena we leave in your hands.

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